

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

April McDaniel and Gary McDaniel,	)	
	)	Civil No. 2:16-cv-1087-DCN )
Plaintiffs,	)	
	)	<b>VERDICT FORM #1 )</b>
vs.	)	<b>42 U.S.C. § 1983</b>
	)	
City of North Charleston, Sergeant Rob	)	
Kruger, and PFC Clarence Habersham,	)	
	)	
Defendants.	)	
_____	)	

WE, THE JURY, FIND AS FOLLOWS:

We, the jury, unanimously find

- (1) Did plaintiffs April McDaniel and Gary McDaniel prove, by the greater weight of the evidence, that during the search of Apartment 6, defendant Sergeant Rob Kruger intentionally deprived the plaintiffs of their Fourth Amendment right to be free from unreasonable seizures?

YES \_\_\_\_\_

NO ✓

*(If your answer to Question 1 is YES, then proceed to Question 2. If your answer to Question 1 is NO, then skip Questions 2, 3 and 4, proceeding to Question 5.)*

- (2) What is the total amount that will fairly compensate the plaintiffs for the actual damages they incurred as a result of defendant Kruger's actions?

\_\_\_\_\_ Dollars

*(If you award any amount of damages in Question 2, then proceed to Question 3. If you award no damages in Question 2, then skip Questions 3 and 4, proceeding to Question 5.)*

- (3) Did the plaintiffs prove, by clear and convincing evidence, that defendant Kruger acted maliciously, and/or willfully and wantonly in depriving plaintiffs of their Fourth Amendment right?

YES \_\_\_\_\_

NO \_\_\_\_\_

*(If your answer to Question 3 is YES, then proceed to Question 4. If your answer to Question 3 is NO, then skip Question 4, proceeding to Question 5.)*

- (4) What is the total amount of punitive damages you award to the plaintiffs against defendant Kruger?

\_\_\_\_\_ Dollars

- (5) Did the plaintiffs prove, by the greater weight of the evidence, that during the search of Apartment 6, defendant PFC Clarence Habersham intentionally deprived the plaintiffs of their Fourth Amendment right to be free from unreasonable seizures?

YES \_\_\_\_\_

NO ✓ \_\_\_\_\_

*(If your answer to Question 5 is YES, then proceed to Question 6. If your answer to Question 5 is NO, then skip Questions 6, 7, and 8, and sign and date this verdict form.)*

- (6) What is the total amount that will fairly compensate the plaintiffs for the actual damages they incurred as a result of defendant Habersham's actions?

\_\_\_\_\_ Dollars

*(If you award any amount of damages in Question 6, then proceed to Question 7. If you award no damages in Question 6, then skip Questions 7 and 8, and sign and date the verdict form.)*

- (7) Did the plaintiffs prove, by clear and convincing evidence, that defendant Habersham acted maliciously, and/or willfully and wantonly in depriving the plaintiffs of their Fourth Amendment right?

YES \_\_\_\_\_

NO \_\_\_\_\_

*(If your answer to Question 7 is YES, then proceed to Question 8. If your answer to Question 7 is NO, then skip Question 8, and sign and date this verdict form.)*

- (8) What is the total amount of punitive damages you award to the plaintiffs against defendant Habersham?

\_\_\_\_\_ Dollars

*PLEASE SIGN AND DATE THE VERDICT FORM.*

3/21/18

S/FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

April McDaniel and Gary McDaniel,	)	
	)	Civil No. 2:16-cv-1087-DCN
Plaintiffs,	)	
	)	
vs.	)	<b>VERDICT FORM #2</b>
	)	<b>Negligence and Gross Negligence</b>
City of North Charleston, Sergeant Rob Kruger, and PFC Clarence Habersham,	)	
	)	
Defendants.	)	
	)	

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WE, THE JURY, FIND AS FOLLOWS:

We, the jury, unanimously find

- (1) Did plaintiffs April McDaniel and Gary McDaniel prove, by the greater weight of the evidence, that defendant City of North Charleston was negligent?

YES ✓

NO \_\_\_\_\_

*(If your answer to Question 1 is YES, then proceed to Question 2. If your answer to Question 1 is NO, then skip Questions 2 and 3, and sign and date this verdict form.)*

- (2) Did the plaintiffs prove, by the greater weight of the evidence, that defendant City of North Charleston was grossly negligent?

YES ✓

NO \_\_\_\_\_

*(If you answered YES to Questions 1 or 2 or both, then proceed to Question 3. If you answered NO to Questions 1 and 2, then skip Question 3, and sign and date this verdict form.)*

- (3) What is the total amount that will fairly compensate the plaintiffs for the actual damages they incurred as a result of defendant City of North Charleston's negligence and/or gross negligence?

Twenty-five thousand and  $\frac{no}{100}$  Dollars  
\$25,000.00

PLEASE SIGN AND DATE THE VERDICT FORM.

3/21/18

S/F ☒ REPERSON ☒